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Doctoral dissertation:

Author's economic rights to an ecclesiastical work in the light of canon law and Polish law

ABSTRACT

In the scientific literature in the field of Church property law, the issue of applying copyright law in the Catholic Church has so far been neglected. Due to the often incompatible concept apparatus of Church law and state law, outside the research area there were also issues related to the acquisition and possession of author's economic rights by Church institutions. The main motive for writing this work is to fill this gap.

The issues discussed in the dissertation are most often interdisciplinary at interface of canon law and state law, in particular Polish copyright law. It is essential to verify the research hypothesis: dynamically changing economic realities do not allow the narrow perception canonical term "temporal goods of the Church" (*bona temporalia*); Church properties are not only material goods (real estate and movable properties), but also intangible assets, including author's economic rights.

The dissertation defines the title wording "ecclesiastical work". When copying the concept of a work from copyright law, it is proposed to recognize as "ecclesiastical" such an intellectual product to which a public Church legal entity has acquired and possesses author's economic rights within the meaning of copyright, serving as intangible temporal goods for the purposes of the Church defined in canon law. The types of ecclesiastical works are, for example, Church writing works, designs and objects of sacred architecture, works of sacred art, works of Church music, sermons and other works of this kind.

The theandric nature of the Church and the Scriptures and the universality of the order to proclaim the Good News are extra-legal, theological markers of the limits of the protection of author's economic rights to ecclesiastical works. Under copyright, they are primarily fair use (private and public) and the date when the work goes to the public domain. Ecclesiastical works go into the public domain at the same time and on the same principles as all other works (no conceptual framework for the Church domain).

Under the copyright law, church legal entities may inherit or acquire property rights from the creator of the work. The managers of church institutions are then obliged to take care of the work's copyright protection. According to can. 1284 this task should be performed with the care of a good family father.

To author's economic rights, as long as they have economic value, the provisions of Book V of the Code of Canon Law *Temporal Goods of the Church* apply. In particular, can. 1290, which requires that everything that state law in a given territory decides regarding contracts and obligations, both in general and in detail, should be also preserved by canon law.